



Tuvalu

PRICE CONTROL ACT

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Tuvalu

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Tuvalu

PRICE CONTROL ACT

AN ACT TO ESTABLISH THE PRICE CONTROL BOARD FOR CONTROLLING PRICES, AND FOR CONNECTED PURPOSES¹

Commencement [22 August 1991]

PART I - PRELIMINARY

1 Short title

This Act may be cited as the Price Control Act.

2 Interpretation

In this Act, unless the context otherwise requires —

“**Board**” means the Price Control Board established under section 3;

“**retailer**” means a person who in the course of his business sells commodities to a consumer;

“**wholesaler**” means a person who sells or supplies commodities to another for the purpose of resale or for use by such other person in the course of his business;

“**price**” includes a charge of any description;

“**commodity**” includes any goods or service.

PART II - ESTABLISHMENT OF PRICE CONTROL BOARD

3 Establishment of Board

- (1) There is hereby established a board to be known as the Price Control Board.
- (2) The Board —
 - (a) shall be a body corporate with perpetual succession;
 - (b) shall have a common seal;
 - (c) may sue or be sued in respect of matters, whether relating to contract, tort or otherwise, arising in connection with the exercise of its powers or the carrying on of its functions under the provisions of this Act.

4 Composition of Board

- (1) The Board shall consist of three members being the Registrar of Co-operatives who shall be the Chairman and the following members appointed by the Minister for a term not exceeding 5 years:
 - (a) a representative of retailers; and
 - (b) a representative of consumers.
- (2) All orders made by the Board shall be given under the hand of the Chairman.
- (3) In the exercise of its functions under this Act the Board shall act in accordance with any general or special directions as to the policy to be followed by it issued by the Minister and published in the Gazette.

5 Conflict of interest

Each member of the Board shall fully declare to the Board any financial or other interest which he may have in any subject under consideration by the Board.

PART III - POWERS OF THE BOARD

6 Powers of the Board

- (1) The Board shall with the approval of the Minister by order regulate the price for sale by retail of the commodities listed in the Schedule, either generally or in any part of Tuvalu specified in the order.
- (2) The Minister may from time to time by order add commodities to or delete commodities from the Schedule.
- (3)

- (a) The Board may call any person to give information or any explanation or to produce records or documents which the Board may require in performing its duties; and the Board may call any other person to assist the Board with such information, explanation, records or documents.
- (b) Any person wilfully refusing to comply with a lawful request of the Board commits an offence and shall be liable on conviction to a fine of up to \$1,000.

7 Limitation

In determining whether and in what manner to exercise the powers conferred by section 6, the Board and the Minister shall have regard to the circumstance of the trade in the commodity to which the order will apply and to the effect of an order on the profitability of that trade.

8 Price Inspectors

- (1) The Board with the approval of the Minister may appoint suitably qualified persons to act as price inspectors for the purposes of this Act and in particular —
 - (a) to report to the Board any breaches of the provisions of this Act or any regulations or orders made thereunder;
 - (b) to institute, prosecute and conduct any legal proceedings in respect of any alleged offence against this Act or any regulation or order made thereunder.
- (2) On production of his credentials and for the purpose of determining whether an offence has been committed, a price inspector may seize and detain any documents or commodities which he has reason to believe may be required as evidence in proceedings for such an offence.
- (3) Any person who —
 - (a) wilfully obstructs a price inspector in pursuance of his powers under this Act or any regulation or order made thereunder;
 - (b) without reasonable cause fails to give a price inspector any other assistance or information which he may reasonably require for the performance of his functions,shall be guilty of an offence.

PART IV - CONTROL OF PRICES

9 Fixing the maximum price

Without limiting the generality of section 6(1) an order made under that section may —

- (a) prescribe a maximum price for the sale of the commodity;
- (b) make provision whereby the price to be charged on a sale by retail is not to exceed the buying price charged to the retailer by more than a margin determined in accordance with the order;
- (c) make different provision in relation to different circumstances.

10 Proportionate Prices

Where the quantity of the commodity sold or offered for sale is greater or less than the quantity specified in an order made under section 6(1) such commodity shall, subject to any express provision to the contrary in the order, be sold or offered for sale at the proportionately increased or diminished price as the case may be.

11 Variation of order

The Board may with the approval of the Minister by order or by notice to any trader cancel or vary an order made under section 6(1) or exempt any commodity from such an order.

PART V - MISCELLANEOUS

12 Prohibited acts

No person shall —

- (a) sell or attempt to sell a commodity to which an order made under section 6(1) applies at a greater price than that prescribed by the order;
- (b) in the course of business apply different methods of fixing or ascertaining the prices of a commodity to which an order under section 6(1) applies with intent to evade the provisions of this Act or any regulation or order made thereunder.

13 Penalties

- (1) Any person who contravenes or fails to comply with any of the provisions of this Act or of any regulation or order made thereunder shall be guilty of an offence and liable to a fine of \$1000.
- (2) Where an offence under this Act committed by a body corporate is proved to have been committed with the knowledge, consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar official of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be liable to be proceeded against and on conviction shall be liable accordingly.

14 Regulations

The Minister may make regulations generally to carry into effect the purposes of this Act and in particular —

- (a) to provide for the keeping by wholesalers and
- (b) to secure that prices are indicated on or in relation to commodities offered or exposed for sale by retail;
- (c) to provide for the financing, accounting, reporting and audit of the Board.

15 Excess price recoverable

A transaction shall not be invalid by reason only that it involves an offence under this Act; but the person paying a price in excess of that prescribed by an order made under section 6(1) shall be entitled to recover from the retailer the excess of any price so paid by him over such price unless he himself has aided, abetted or procured the commission of the offence.

16 Crown to be bound

This Act shall bind the Crown.

17 Confidentiality

- (1) Any information relating to a business which is supplied to the Board or its employees shall be treated as confidential and shall not be disclosed unless the person supplying the information consents or such disclosure is necessary for the purposes of this Act.
- (2) Any person contravening the foregoing subsection shall be guilty of an offence and shall be liable on conviction to a fine of up to \$1000.

18 Immunity

No legal proceedings shall be competent for any loss or damage that may result from anything done under this Act.

SCHEDULE**List of Commodities to be Price controlled:**

1. Rice
2. Flour
3. Sugar
4. Biscuit (Cabin)
5. Kerosene
6. Petrol (Benzine)
7. Bar soap
8. Bathing/Toilet soap, and Toilet paper
9. Powder soap
10. Detergents
11. Edible oils of all types
12. Canned corned beef and corned mutton
13. Butter (all types)
14. Milk powdered, evaporated or condensed
15. Coffee
16. Tea
17. Milo
18. Building materials:
 - (i) Cement
 - (ii) Timber
 - (iii) Paint
 - (iv) Roofing iron
19. Fish and fish products
20. Bicycles
21. Torch batteries
22. Lamps and lanterns, including pressure lamps, hurricane lamps and spares.

ENDNOTES

¹ Act 2 of 1991